

JUL 22 2004

OFFICIAL

Please type a plus sign (+) inside this box

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after filing)	Application Number	10/057,107
	Filing Date	January 25, 2002
	First Named Inventor	Nico N. RACZEK
	Group Art Unit	1651
	Examiner Name	Deborah K. WARE
Total Number of Pages in This Submission	Attorney Docket Number	01/018 NUT

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Limited Recognition Form
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Or Individual Name	ProPat, L.L.C. 425-C South Sharon Amity Road Charlotte, NC 28211-2841
Signature	<i>U. Schumacher</i>
Date	July 22, 2004

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO to (703)872-9306 on the date shown below.			
Typed or printed name	Claire Wygand		
Signature	<i>Claire Wygand</i>	Date	July 22, 2004

SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

JUL 22 2004

OFFICIAL

Attorney Docket No. 01/018 NUT
Customer No. 38263

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE PATENT OPERATIONS

Art Unit: 1651 Examiner: Deborah K. WARE
Applicants: Nico N. RACZEK
Application No. 10/057,107
Filed: January 25, 2002
Title: **Sorbic Acid Product Comprising Probiotics as Addition to
Feedstuffs in Agricultural Livestock Rearing**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia

Charlotte, North Carolina
July 22, 2004

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action dated June 29, 2004, in the above-referenced application kindly enter the following amendments and consider the following remarks.

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Application No. 10/057,107
Filed January 25, 2002
Page 2

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Original) A product which comprises sorbic acid and at least one culture of a microorganism with probiotic activity (= probiotic).
2. (Original) A product as claimed in claim 1, which comprises at least 90 % by weight sorbic acid.
3. (Original) A product as claimed in claim 1, which comprises a probiotic or probiotics in an amount which corresponds to 10^7 to 10^{10} viable microorganisms per g of the feed produced from the product.
4. (Original) A product as claimed in claim 1, wherein the probiotic is selected from:
Bacillus cereus, Bacillus clausii, Bacillus licheniformis, Bacillus subtilis, Bifidobacterium bifidum, Bifidobacterium breve, Bifidobacterium infantis, Bifidobacterium lactis, Bifidobacterium longum, Bifidobacterium adolescentis, Enterococcus faecium, Enterococcus mundtii, Lactobacillus acidophilus, Lactobacillus amylovorus, Lactobacillus bulgaricus, Lactobacillus casei, Lactobacillus crispatus, Lactobacillus farciminis, Lactobacillus gallinarum, Lactobacillus gasseri, Lactobacillus johnsonii, Lactobacillus paracasei, Lactobacillus plantarum, Lactobacillus reuteri, Lactobacillus rhamnosus, Lactobacillus salivarius, Pediococcus acidilactici, Saccharomyces cerevisiae, Streptococcus infantarius, Streptococcus thermophilus and combinations thereof.
5. (Original) A product as claimed in claim 1, which additionally comprises at least one enzyme and/or enzyme product.
6. (Original) A product as claimed in claim 5, wherein the enzyme is selected from:

Application No. 10/057,107
Filed January 25, 2002
Page 3

phytase, cellulase, glucanase, hemicellulase (xylanase), amylase, galactosidase, pentosanase, glucosidase, various lipases, mannase (endo-1,4- β), polygalacturonase, transglutaminase and mixtures thereof.

7. (Canceled)

8. (Original) A feedstuff which comprises a product as claimed in claim 1.

9. (Original) An addition to feedstuffs which comprises a product as claimed in claim 1.

10. (Original) A feedstuff as claimed in claim 8, which comprises >0.0 to 2.0 % by weight (based on the feedstuff) of the product.

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Canceled)

Application No. 10/057,107
Filed January 25, 2002
Page 4

Remarks

Claims 1-15 are pending in the application.

Applicants hereby elect the Claims of Group 1, i.e. Claims 1-6 and 8-10, directed to the products of the invention, without traverse. Please cancel Claims 7, and 11 - 15 without prejudice or disclaimer to the filing of continuing applications thereon.

It is not believed that fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary to allow consideration of this paper, the fees are hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,



Klaus Schweitzer

See attached Limited Liability Recognition Form

ProPat, L.L.C.

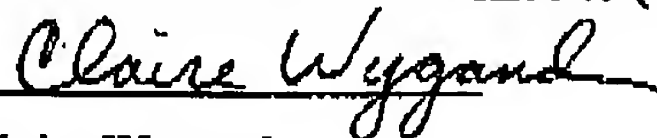
425-C South Sharon Amity Road

Charlotte, North Carolina 28211-2841

Telephone (704) 365-4881

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to (703) 872-9306 on July 22, 2004.



Claire Wygand